

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Marvin Alexander Sutton, Jr.

Docket No. 5:07-CR-130-2D

Petition for Action on Supervised Release

COMES NOW Van R. Freeman, Jr., Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Marvin Alexander Sutton, Jr. who, upon an earlier plea of guilty to 18 U.S.C. §371, Conspiracy to Commit Bank Robbery, and 18 U.S.C. §2113(a) and 2, Bank Robbery and Aiding and Abetting, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge on May 8, 2008, to the custody of the Bureau of Prisons for a term of 72 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Marvin Alexander Sutton was released from custody on October 30, 2012, at which time the term of supervised release commenced. On February 25, 2013, after the defendant used marijuana, the court continued supervision to allow the defendant to attend treatment. On May 8, 2013, the court ordered the defendant serve 60 days of house arrest in response to his continued use of marijuana. On March 24, 2015, the defendant served a 2 day DROPS sanction for using marijuana after almost two years of abstinence.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant again tested positive for marijuana on April 17, 2015. He has been referred for treatment and we continue to test him. In addition to his drug use, he is behind on his restitution payments, having not made a payment in over a year. As a sanction for his drug use and lack of payment, we recommend he be placed on curfew with electronic monitoring, which will also add some structure to his life while he is in treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton

Robert L. Thornton

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Van R. Freeman, Jr.

Van R. Freeman, Jr.

Senior U.S. Probation Officer

310 Dick Street

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Executed On: May 13, 2015

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ORDER OF THE COURT

Considered and ordered this 14 day of May, 2015 and ordered filed and made a part of the records in the above case.


James C. Dever III
Chief U.S. District Judge